

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Tom Traini**

Docket No. **281715**

L.C. No. **03-011303-FC**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because the defendant cannot appeal the denial or rejection of a successive motion for relief from judgment. See MCR 6.502(G)(1). Regardless of the title on the motion, this latest motion constituted a motion for relief from judgment as defendant was challenging part of the judgment of sentence. See MCR 6.501. The purpose of MCR 6.502(G)(1) is to prevent piecemeal litigation, which is exactly what the defendant is engaged in because this is his third appeal even though he was aware of the issue even before he filed his first motion for relief from judgment.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

DEC 12 2007

Date

Sandra Schultz Mengel
Chief Clerk